



**QUALCOMM Incorporated**

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March 15, 2006

**Via ECFS**

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

**Re: Oral Ex Parte Presentation in WT Docket No. 05-7**

Dear Ms. Dortch:

This is to report that yesterday, Gina Lombardi, President of QUALCOMM's MediaFLO USA, Inc. subsidiary, Larry Hartigan, Senior Vice President, Business Development, of MediaFLO USA, Inc., and I, along with Mark Wallace of the Akerman Senterfitt firm, met with Commissioner Deborah Taylor Tate and Aaron Goldberger, her Legal Advisor, to discuss the need for a prompt ruling on QUALCOMM's Petition for Declaratory Ruling in the above-captioned proceeding.

In the meeting, we provided Commissioner Tate and Mr. Goldberger with background information on the innovative MediaFLO service. We discussed the capability of MediaFLO to deliver a wide variety of beneficial content, ranging from news, information, and youth-oriented programming, to the many millions of Americans who use wireless phones. We also reviewed the ability to deliver emergency alerts via MediaFLO.

Moreover, we discussed the continued progress that QUALCOMM is making in fulfilling its plan to launch MediaFLO this year. In particular, we discussed the fact that in addition to the prior announcement that Verizon Wireless will be the first carrier to offer MediaFLO commercial service, Sprint Nextel announced this week that they will conduct trials of MediaFLO. In addition, we informed stated that we continue to make progress with handset vendors who are working on manufacturing wireless phones with the capability to receive MediaFLO service. However, we pointed out to Commissioner Tate and Mr. Goldberger that we cannot complete the plans for the launch of MediaFLO until we can identify the markets in which the Commission will permit the service to be launched, which, in turn, depends upon whether QUALCOMM will be permitted to use the OET-69 methodology and the *de minimis* interference test

proposed in QUALCOMM's Petition for Declaratory Ruling. As a result, we urged the prompt issuance of a ruling on QUALCOMM's Petition for Declaratory Ruling.

In addition, we pointed out that the Deficit Reduction Act of 2005 has become law and sets February 17, 2009 as the end of the DTV transition. As a result, any potential interference from MediaFLO to TV/DTV stations will, at most, occur for just over two years, at which point the TV/DTV stations will exit the relevant spectrum. We also explained that this temporary situation is further limited by the facts that no viewer who watches TV via cable or satellite will suffer any interference from MediaFLO; no viewer who does not watch a particular affected station will suffer any interference from MediaFLO; and, no viewer who is outside of a confined geographic area will suffer any interference from MediaFLO. Thus, we pointed out that the potential interference from MediaFLO is highly limited—limited in time, limited in geographic scope, and limited in the possible impact. Finally, we mentioned the fact that major public safety groups filed comments in support of QUALCOMM's Petition.

Respectfully submitted,

/s/ Dean R. Brenner

Dean R. Brenner  
Vice President, Government Affairs

Cc: Commissioner Deborah Taylor Tate  
Aaron Goldberger, Esq.